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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,592	01/11/2001	Robert A. Beken	10,891	7962

7590 08/25/2004

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EXAMINER	
SKAARUP, JASON M	

ART UNIT	PAPER NUMBER
3714	2

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/757,592	BEKEN, ROBERT A.	
	Examiner	Art Unit	
	Jason Skaarup	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 January 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 January 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. New corrected or formal drawings in compliance with 37 CFR 1.121(d) are required in this application because originally filed Figures 1-4 are informal drawings and fail to comply with CFR 1.84. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Applicant's specification, particularly page 5, lines 12-17, discloses that each video game style device includes a 32 inch monitor as a large screen display (36 of Fig. 3) showing out-the-window imagery and a 15 inch touchscreen flat panel display (34 of Fig. 3) showing a moving map and menu selection items. Claim 7 recites that each video game style device includes a 29 inch cathode ray tube display and a 15 inch LCD touchscreen display.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Hightower (U.S. Patent No. 6,287,201).

5. Hightower discloses a multiplayer electronic entertainment system as recited in claims 1 and 2. Specifically, Hightower discloses a multiplayer electronic entertainment system that comprises:

a simulator style device (see game units 16 of Fig. 1 along with the related description thereof and col. 11, lines 20-23 wherein the game units 16 can include simulator style devices);

a plurality of video game style devices arranged in proximity to the simulator style device (see game units 16 of Fig. 1 along with the related description thereof, col. 5, lines 25-27 and col. 11, lines 20-23 wherein the game units 16 can include video game style devices); and

network means including a network switch to electrically connect the simulator style device to each of the video game style devices (see router 18, regional center 20, super-regional center 22, national center 24, router 30 and server 32 of Fig. 1 along with

the related descriptions thereof and specifically, col. 4, lines 33-60 and col. 5, lines 8-13).

Regarding claim 2, Hightower discloses a game computer connected electrically to the network means (see CPU system 110 of Fig. 2 along with the related description thereof and col. 5, lines 9-13 and 25-35) and a tracking computer connected electrically to the network means (see CPU system 110 and input/output system 114 of Fig. 2, process 200 of Fig. 3 along with the related descriptions thereof and col. 7, lines 18-23).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 3-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hightower in view of Harvard (WO 9316776).

Hightower teaches a multiplayer electronic entertainment system as recited in claim 1 and set forth above. Hightower teaches the multiplayer electronic entertainment system including a simulator style device, but Hightower does not explicitly teach the simulator style device being physically elevated, including a three-degree of freedom motion base or including two player seats as recited in claim 5, 6 and 9, respectively. In a related multiplayer electronic entertainment system, Harvard teaches a plurality of simulator style devices wherein each device is physically elevated (as shown in Figs. 1a

and 1b), includes a three-degree of freedom motion base (see platform 21 of Figs. 1a and 1b along with the related description thereof) and includes two player seats (see seats 13a, 13b of Figs. 1b and 2 along with the related description thereof). The plurality of simulator style devices of Harvard allows multiple players to play a motion-based interactive video game wherein each participant influences the outcome of the game. In this manner, simulator style device participation from the players and player excitement for the game is increased. It would have been obvious for one skilled in the art at the time of the invention to incorporate the simulator style device taught by Harvard into the multiplayer electronic entertainment system taught by Hightower to increase simulator style device participation from players and to increase player excitement for the game provided by the simulator style device.

As discussed above, Hightower teaches a multiplayer electronic entertainment system as recited in claim 1. However, Hightower does not explicitly teach a particular arrangement of video game style devices as recited in claims 3 and 4. Harvard teaches a plurality of simulator style devices that allows multiple players to play a motion-based interactive video game wherein each participant influences the outcome of the game. Harvard further teaches that the plurality of simulator style devices can be arranged in a circle arrangement, or any other arrangement suitable for the arcade or gaming facility, as shown in Fig. 6 to provide adequate player throughput for the arcade or gaming facility while increasing player excitement with the multiplayer motion-based interactive video game (see page 8, line 21 to page 9, line 2). It would have been obvious for one skilled in the art at the time of the invention to arrange the plurality of video game style

devices of Hightower in a circle arrangement around the simulator style device of Hightower to provide adequate player throughput for the arcade or gaming facility while increasing player excitement with the multiplayer motion-based interactive video game as desirably taught by Harvard.

Should the plurality of video game style devices of Hightower be arranged in a circle arrangement around the simulator style device of Hightower as described above, the plurality of video game style devices of Hightower would be oriented with displays thereof facing away from the center of the circle so that players of the plurality of video game style devices could view and participate with the simulator style device of Hightower. In this manner, player excitement of the plurality of video game style devices with the multiplayer motion-based interactive video game of the simulator style device would increase. It would have been obvious for one skilled in the art at the time of the invention to orient the plurality of video game style devices of Hightower with displays thereof facing away from the center of the circle so that players of the plurality of video game style devices could view and participate with the simulator style device of Hightower to increase player excitement of the plurality of video game style devices with the multiplayer motion-based interactive video game of the simulator style device.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hightower in view of Harvard as applied to claim 9 above, and further in view of Gwynn (U.S. Patent No. 4,345,817).

The combination of Hightower and Harvard teaches a multiplayer electronic entertainment system as recited in claim 9 and set forth above. The combination

teaches the multiplayer electronic entertainment system including a simulator style device, but the combination of Hightower and Harvard does not explicitly teach the simulator style device including two wide area collimating displays. In a related simulator style device, Gwynn teaches the use of a wide area collimating display system including two display devices (see concave mirror 10, beam splitter 12 and device axis 14 of Fig. 1 along with concave mirror 20, CRT 21, beam splitter 22 and device axis 24 of Fig. 1 and the related descriptions thereof) to improve the visual display of a simulator style device and provide increased realism to the player or players in the simulator style device (see col. 1, lines 1-27). It would have been obvious for one skilled in the art at the time of the invention to incorporate the wide area collimating display system taught by Gwynn into the simulator style device taught by the combination of Hightower and Harvard (as replacements for display 104 of Hightower or screen 25 of Harvard) in order to improve the visual display of the simulator style device and to provide increased realism to the player or players in the simulator style device as desirably taught by Gwynn (see col. 1, lines 1-27).

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hightower in view of Harvard as applied to claim 4 above, and further in view of Hedrick et al. (U.S. Patent No. 6,315,884).

The combination of Hightower and Harvard teaches a multiplayer electronic entertainment system as recited in claims 4 and 6 and set forth above. The combination teaches the multiplayer electronic entertainment system including a video game style device, but the combination of Hightower and Harvard does not explicitly

teach the video game style device including a 29 inch cathode ray tube display and a 15 inch LCD touchscreen display. In a related video game style device, Hedrick et al. teaches a main CRT display (see display 220 of Figs. 2, 12a, 13a along with the related description thereof) for displaying the outcome of a primary game and a secondary LCD touchscreen display (see display 219 of Figs. 2, 12a, 13a along with the related description thereof) for presenting primary, secondary, or tertiary information (also see col. 3, lines 8-34 and col. 3, line 66 to col. 4, line 12). Hedrick et al. teaches that the primary display 220 and the secondary display 219 can be used to present primary information (e.g., primary game information) and secondary information (e.g., attraction displays or outcome of primary game information) to actual and potential players, which attracts potential players and increases excitement of the game for actual players. It would have been obvious for one skilled in the art at the time of the invention to incorporate the primary and secondary displays 220, 219 of Hedrick et al. into the video game style device as taught by the combination of Hightower and Harvard in order to attract potential players and increase excitement of the game for actual players using primary and secondary information presented on the primary and secondary displays as desirably taught by Hedrick et al.

It would have been an obvious design choice to make the primary display a 29 inch cathode ray tube display and to make the secondary display a 15 inch LCD touchscreen display since such modifications would have involved a mere change in size of components. A change in size is generally recognized as being within the level of ordinary skill in the art. Additionally, Applicant has not disclosed that the size of each

display solves any stated problem or is for any particular purpose (therefore lacking criticality) and it appears that the primary and second displays of Hedrick et al. would perform equally well with a 29 inch cathode ray tube primary display and a 15 inch LCD touchscreen secondary display.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hightower in view of Harvard as applied to claim 4 above, and further in view of Smith (U.S. Patent No. 5,848,939).

The combination of Hightower and Harvard teaches a multiplayer electronic entertainment system as recited in claim 4 and set forth above. The combination teaches the multiplayer electronic entertainment system including a simulator style device and a plurality of video game style devices, but the combination of Hightower and Harvard does not explicitly teach a fence between the simulator style device and the video game style devices. Smith teaches a simulator style device (see mechanical bull 10 of Fig. 1 along with the related description thereof) upon which a player rides the mechanical bull 10 as part of a rodeo game system (see system 100 of Fig. 2 along with the related description thereof). A fence (see panels 72, 74 of Figs. 1, 2 and 3 along with the related description thereof and col. 3, lines 46-52) is positioned around the simulator style device (mechanical bull 10) to provide realism to the simulator style device game (rodeo game system 100) while protecting actual and potential players from harm or injury. It would have been obvious for one skilled in the art at the time of the invention to provide the fence as taught by Smith around the simulator style device as taught by the combination of Hightower and Harvard to provide realism to the

simulator style device game while protecting actual and potential players from harm or injury. In this manner, the fence taught by Smith would be positioned between the simulator style device and the plurality of video game style devices of the combination of Hightower and Harvard if the plurality of video game style devices were arranged around the simulator style device in a circle arrangement as described above with respect to claim 3.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art made of record includes U.S. Patent No. 6,315,665 issued to Faith; U.S. Patent No. 5,402,988 issued to Eisele; U.S. Patent No. 4,572,509 issued to Sitrick; U.S. Patent No. 6,152,739 issued to Amery et al.; U.S. Patent No. 5,433,670 issued to Trumbull; U.S. Patent No. 4,614,342 issued to Takashima; U.S. Patent No. 5,865,624 issued to Hayashigawa; U.S. Patent No. 6,007,338 issued to DiNunzio et al.; U.S. Patent No. 4,710,129 issued to Newman et al.; U.S. Patent No. 4,477,069 issued to Crudgington, Jr.; U.S. Patent No. 5,674,127 issued to Horstmann et al.; U.S. Patent No. 5,320,351 issued to Suzuki; U.S. Patent No. 6,164,971 issued to Figart; U.S. Patent No. 6,371,850 issued to Sonoda; U.S. Patent No. 4,976,438 issued to Tashiro et al.; and U.S. Patent No. 5,299,810 issued to Pierce et al.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jason Skaarup whose telephone number is 703-605-4996. The Examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Primary, Jessica Harrison can be reached on 703-308-2217. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JESSICA HARRISON
PRIMARY EXAMINER